



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STRATFORD EDUCATION ASSOCIATION/
NEA-NEW HAMPSHIRE

Petitioner

v.

STRATFORD SCHOOL DISTRICT

Respondent

CASE NO. T-0368:5

DECISION NO. 90-10

APPEARANCES

Representing Stratford Education Association/NEA-NH:

John Fessenden, UniServ Director NEA-NH

Representing Stratford School District:

Jay C. Boynton, Esq., Counsel

Also appearing:

Kathryn Roth, Stratford Education Association

Jay Stuart, Stratford School District

Charles Goulet, North Stratford N.H.

Hugh Watson, N.H.S.B.A.

BACKGROUND

On June 23, 1989 the Stratford Education Association (Association) filed an unfair labor practice against the Stratford School District (District) charging a violation of 273-A:5 I (a), (e), (g), (h) and (i) by failing to fund the second year salary schedule after having accepting the 2-year agreement and funding the first year salary schedule beginning September 1, 1988 thru August 31st, 1990. At the annual School District meeting in the Spring of 1989, the voters failed to appropriate the necessary funds required for the second year of the negotiated salary schedule.

The District's response stated that by their prior action, funding of the first year of the agreement, did not mean acceptance of the total contract as the negotiated contract could not bind the voters for any subsequent years. Further that the voters did not approve a three (3) year contract and referenced Article IV of the CBA, 273-A:3 I (b) (legislative body action). Included in their response was a cross-complaint charging the Association with failure to negotiate as required by Article IV of the CBA.

Hearing in this matter was held at the PELRB office in Concord on November 14, 1989 at which time the parties presented arguments for their positions.

DECISION AND ORDER

1. In accordance with Article IV - Negotiations Procedure contained in the CBA, September 1, 1988 to August 31, 1990 which states;

"...any agreement reached which requires the expenditure of public funds for its implementation shall not be binding upon the Board, unless and until the necessary appropriations have been approved by the voters of the district. The Board shall make a good faith effort to secure the funds necessary to implement said agreements. If such funds are not forthcoming, the Board and the Association shall resume negotiations concerning terms and conditions of employment in accordance with the provisions of this agreement."

The Association is ordered to meet with the School Board as soon as possible but not later than February 15, 1990 and report compliance and status of negotiations in writing.

2. The funding issue was decided by PELRB in Decision No. 89-68 Sanborn Regional School District v. Sanborn Regional Education Association, NEA-NH Case No. T-0256:15 and presently under appeal before the N.H. Supreme Court 89-529 therefore the Board declines to issue a decision pending the outcome of the appeal.

Signed this 12th day of January, 1990.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Richard E. Molan, Esq., and Richard W. Roulx present and voting. Also present, Executive Director, Evelyn C. LeBrun.